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August 25, 2005

VIA FAX – (601) 352-7757
and REGULAR MAIL
Ms. Betty Mallett
McGlinchey Stafford PLLC
City Centre, Suite 1100
200 South Lamar Street
Jackson, MS 39201

Re: *Olivia Y. et al. v. Barbour et al.*

Dear Ms. Mallett:

I write in response to your letter of August 23, 2005, related to Defendants' incomplete production of documents in response to Plaintiffs' Fifth Request for Production of Documents.

As to Document Request no. 9, Plaintiffs will limit their request at this time to the provider and licensing files maintained by Defendants for the homes and facilities listed in the logs of maltreatment in care investigations at Bates DHS 053503-053529 (enclosed). We note that according to Gail Young's May 17, 2005, R. 30(b)(6) testimony, these provider and licensing files are maintained in the State Office or in the County Offices depending on the type of placement, and are not complete without the related MACWIS provider files (see Young depo 30:7-19; 31:4-7; 41:1-5)(enclosed). Please produce these documents by August 31, 2005. Plaintiffs reserve the right to pursue additional responsive documents as needed.

Further, as to the documents compelled by J. Nicols' July 18, 2005 Order, I note that your July 29, 2005 production did not include a current MACWIS report as testified to by Ms. Triplett and compelled by the Court. Moreover, as made clear by the logs regarding investigations of maltreatment in care referenced above that were produced pursuant to the Order, the related investigation reports are noted to have been received or printed from MACWIS by the State Office. These documents are clearly responsive to Request No. 35 of Plaintiffs' First Request for Production of Documents and should be immediately produced pursuant to the July 18, 2005 Order compelling such responsive documents.

I look forward to your immediate response to these pending deficiencies.

Sincerely yours,

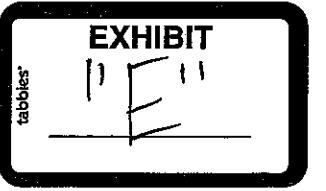
Eric Thompson Jr.

Eric Thompson
Plaintiffs' counsel

Encls.

cc: Stephen Leech, Esq.

Wayne Drinkwater & Melody McAnally, Bradley Arant
John Lang, Loeb & Loeb



Calendar Year 2005
MDHS
Foster Home Investigations

Date MDHS Received Report	Date Reported to State Office	County R-Responsible S-Service (if different)	Agency Foster Home & Alleged Perpetrator	Child(ren) Involved DOB & Allegations	Date State Office Received Investigative Report	Findings
02/08/05	02/08/05	Pearl River			04/05/05 Printed from MACWIS	No Evidence
03/07/05	03/29/05	Warren			03/29/05	No Evidence
03/31/05	04/19/05	Harrison			04/19/05	No Evidence
03/31/05	05/04/05	Hinds			05/04/05	No Evidence
03/31/05	05/04/05	Hinds			05/04/05	No Evidence
04/07/05	04/18/05	Quitman			05/12/05 Printed from MACWIS	No Evidence
	05/25/05	R-Clay S-Okribbeha				They were involved in a car accident. No investigation will be done.
11/23/04	06/03/05	Harrison			06/03/05	No Evidence

DHS
053503

Calendar Year 2005
MDHS
Foster Home Investigations

Date MDHS Received Report	Date Reported to State Office	County R-Responsible S-Service (if different)	Agency Foster Home & Alleged Perpetrator	Children Involved DOB & Allegations		Date State Office Received Investigative Report	Findings
06/16/05	06/17/05	R-Forrest S-Grenada		Physical neglect			
				Physical Neglect			

Calendar Year 2004
MDHS
Foster Home Investigations

Date MDHS Received Report	Date Reported to State Office	County R-Responsible S-Service (if different)	Agency Foster Home & Alleged Perpetrator	Child(ren) Involved DOB & Allegations	Date State Office Received Investigative Report	Findings
10/23/03	08/09/04	Forrest			08/09/04	No Evidence
12/18/03	01/26/04	Pearl River			01/26/04	No Evidence
02/04/04	02/13/04	Jones				No Evidence
01/29/04	02/13/04	Forrest			03/05/04	No Evidence
02/28/04	02/20/04	R-E. Bolivar S-Humphreys				CS-Evidenced
03/04/04	03/17/04	R-Rankin S-Lee			02/24/04	No Evidence
04/12/04	05/17/04	Forest			5/12/05	No Evidence
04/06/04	04/27/04	R-Lafayette S-Pontotoc				Printed from MACWIS
04/19/04	04/21/04	R-Destito S-Desoto			03/17/04	No Evidence
05/13/04	05/13/04	R-E. Bolivar				Physical & Emotional Abuse
06/15/04	08/05/04	R-Leake S-Warren				05/17/04
						No Evidence
						Physical Neglect
						04/27/04
						No Evidence
						Sexual Abuse
					07/27/04	CS-Evidenced
						Printed from MACWIS
					05/13/05	CA-Evidenced
						Verbal from RD
					08/05/04	No Evidence
						Alleged; Physical Abuse

DHS
053505

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Calendar Year 2004
MDHS
Foster Home Investigations

Date MDHS Received Report	Date Reported to State Office	County R-Responsible S-Service (if different)	Agency Foster Home & Alleged Perpetrator	Child(ren) Involved DOB & Allegations	Date State Office Received Investigative Report	Findings
06/25/04	07/22/04	Forrest			07/22/04	No evidence
		R-Marion				
		S-Jones				
06/28/04	09/29/04	R-Washington			09/29/04	No Evidence
		R-Washington				
07/06/04	10/19/04	George			10/19/04	No evidence
07/30/04	09/24/04	R-Warren			09/24/04	No evidence
		S-Hinds				
08/23/04	10/11/04	Tunica			10/11/04	No Evidence
08/27/04	08/27/04	R-Winston			08/29/04	No Evidence
		S-Warren				
09/03/04	09/24/04	Warren			09/24/04	No evidence
09/03/04	09/24/04	Warren			09/24/04	No evidence

DHS
053506

Calendar Year 2004
MDHS
Foster Home Investigations

Date MDHS Received Report	Date Reported to State Office	County R-Responsible S-Service (if different)	Agency Foster Home & Alleged Perpetrator	Child(ren) Involved DOB & Allegations	Date State Office Received Investigative Report	Findings
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09/24/04	09/27/04	R-Forrest S-Forrest	Alleged: Emotional Abuse/Neglect	10/08/04	No Evidence	
10/04/04	02/09/05	Hinds	Physical Abuse	02/09/05	No Evidence	
10/29/04	12/13/04	Forrest	Sexual Abuse	12/13/04	CS-Evidence	
10/18/04	10/18/04	Harrison	Sexual Abuse	12/01/04	No Evidence	
11/03/04	02/09/05	Warren	Physical Abuse	02/09/05	No Evidence	
11/04/04	11/19/04	Lamar	Physical Abuse	12/28/04	No Evidence	
11/05/04	01/11/05	Warren	Sexual Abuse	01/11/05	No Evidence	
12/21/03	12/29/04	DeSoto	Medical Neglect	05/13/05	No Evidence	
			Sexual Abuse		Printed from MACWIS	

DHS
055507

CALENDAR YEAR 2003
MDHS
AGENCY (FOSTER) HOME INVESTIGATIONS

Date County Rec'd	Date/Type "Incident" Reported to S.O.	County / Region R-Responsible S-Service	Agency Foster Home/ Alleged Perpetrator	Children Involved / Allegations	Date S.O. Received Investigative Report	Findings (& Victim, if Evidenced)
1/16/03	1/31/03	Union			1/31/03	No evidence on either victim
1/31/03	2/3/03	DeSoto		Alleged: Physical Abuse	9/16/03	No evidence
1/31/03	2/3/03	DeSoto		Alleged: Physical Abuse	9/16/03	No evidence
2/27/03	2/28/03	Acorn		Alleged: Physical Abuse	3/19/03	CS Evidence - No Evidence -
3/19/03	3/19/03	DeSoto		Alleged: Sexual Abuse	4/3/03	No evidence
4/9/03	4/10/03	Jones		Alleged: Physical Abuse	9/19/03	CE- Evidenced CA- No Evidence
				Alleged: Sexual Abuse		

053509

Date County Rec'd Report	Date Type "Incident" Reported to S.O.	County / Region R-Responsible S-Service	Agency Foster Home/ Alleged Perpetrator	Children Involved / Allegations	Date S.O. Received Investigative Report	Findings (& Victim, if Evidenced)
4/11/03		Coahoma			5/27/03 Rec'd only the RD's letter to the foster parents	No Evidence of CS
7/22/03		Tishomingo			8/11/03 Rec'd only the RD's letter to the foster parents	No Evidence of either allegation
6/26/03		Forrest			8/18/03 Alleged: CA / CE / CN	Evidenced - CE only on No Evidence CA/CN Violation of policy by using corporal punishment
6/2/03					8/28/03 Alleged: AN	No Evidence
9/30/03	10/03/03	Pearl River, Region 6-N			12/15/03 Alleged: Child Sexual	No Evidence

Date County Rec'd Report	Date/Type "Incident" Reported to S.O.	County / Region R -Responsible S -Service	Agency Foster Home/ Alleged Perpetrator	Children Involved / Allegations	Date S.O. Received Investigative Report	Findings (& Victim, if Evidenced)
10/01/03	10/03/03	Forrest, Region 6-N	[REDACTED]	[REDACTED]	2/26/04 Copied from MACWIS	No Evidence on either child.
10/1/03	10/03/03	Forrest, Region 6-N	[REDACTED]	[REDACTED]	2/26/04 Copied from MACWIS	No Evidence on either child.
1/05/03		Jones, Region 6-N	[REDACTED]	[REDACTED]	[REDACTED]	CE Evidenced, [REDACTED] CA-No Evidence, CA-No Evidence, CE-Evidenced,
1/1/03	1/10/03	Pearl River, Region 6-N	[REDACTED] Alleged: Child Abuse [REDACTED] Alleged: Child Abuse	[REDACTED]	2/26/04 Copied from MACWIS	No Evidence on either child.
8/08/03	11/18/03	Forrest, Region 6-N	[REDACTED] Alleged: Child Abuse/Neglect	[REDACTED]	11/18/03	No Evidence
6/12/03	11/17/03	Jackson, Region 6-S	[REDACTED] Alleged: Child Abuse	[REDACTED]	11/17/03	No Evidence
11/12/03	11/24/03	Stone, Region 6-N	[REDACTED] Alleged: Child Abuse	[REDACTED]	[REDACTED] Did not see [REDACTED] MACWIS	
11/12/03	12/01/03	Washington, Region II	[REDACTED] Alleged: Physical Abuse	[REDACTED]	12/01/03	No Evidence

Date County Rec'd Report	Date/Type "Incident" Reported to S.O.	County / Region R-Responsible S-Service	Agency Foster Home/ Alleged Perpetrator	Children Involved / Allegations	Date S.O. Received Investigative Report	Findings (& Victim, if Evidenced)
11/18/03	12/01/03	Jackson, Region 6-S		Alleged: Child Abuse/Neglect	12/01/03	No Evidence
10/09/03	12/04/03	Harrison, Region 6-S		Alleged: Child Abuse Alleged: Child Abuse	12/04/03	CA Evidenced - CA Evidenced -
12/08/03	12/11/03	Oktibbeha, Region 4			12/15/03	CB Evidenced - CB Evidenced - CB Evidenced - CB Evidence -
12/21/03	12/30/03	Desoto, Region I-W		Alleged: Sexual Abuse	2/26/04	No Evidence
12/23/03	12/30/03	Marshall, Region I-W		Alleged: Physical Abuse Alleged : Physical Abuse	2/26/04	No Evidence on either child.
12/08/03	12/16/03	Neshoba Region 4		Alleged: Physical Abuse Alleged: Physical Abuse	12/16/03	CA-Evidenced, CA-No Evidence

053512

Yr: 2002 CPS OUT-OF-HOME INVESTIGATIONS
 MDHS Agency (Foster) Homes

Date County Rec'd Report	Date/Type "Incident" Reported to S.O.	County/Region R- Responsible S- Service	Agency Foster Home/ Perpetrator	Children Involved/ Allegations	Date S.O. Received/ Investigative Report	Findings (& Victim if Evidenced)
1/8/02		Walthall Reg. V		(only alleged victim)	3/8/02	Alleged: physical & emotional abuse. No Evidences of AN; but violation of agency policy on corporal punishment
1/12/02		Claiborne - R Hinds - S Reg. 5		(only alleged victim)	3/22/02	Alleged Sexual abuse No Evidence
1/10/02		Forrest Reg. 6 N		(only alleged victim)	4/15/02	Alleged Physical Abuse No Evidence of CA; violation of agency policy.
3/14/02		Hinds Reg. 7		(only alleged victim)	4/23/02	Alleged Physical Abuse No Evidence
3/14/02		Hinds Reg. 7		(only alleged victim)	4/23/02	Alleged Physical Abuse No Evidence
4/22/02	MACWIS prints rec'd 5/13/02	Jones VI-N			5/1/02	Alleged Physical Abuse No Evidence - no victim

DHS
053513

Date County Rec'd Report	Date/Type "Incident" Reported to S.O.	County/Region R- Responsible S- Service	Agency Foster Home/ Perpétator	Children involved/ Allegations	Date S.O. Received Investigative Report	Findings (& Victim if Evidenced)
5/28/02	6/10/02 by MACNIS screen prints	Pearl River Reg. V/N	[REDACTED]	Alleged: Physical abuse	[REDACTED]	[REDACTED]
?	6/10/02	Hancock Reg. V/N	[REDACTED]	[REDACTED]	6/24/02	NO EVIDENCE Concerns noted and recommendations made by RD - Zadie Rogers.
5/3/02			[REDACTED]	Alleged: foster mother whipped [REDACTED] with her hand & made siblings stand against the wall w/ head leaning on it	[REDACTED]	[REDACTED]
			[REDACTED]	Alleged: Physical Abuse	7/8/02	EVIDENCE
			[REDACTED]	[REDACTED]		

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DHS
053514

Date County Rec'd Report	Date/Type "Incident" Reported to S.O.	County/Region R- Responsible S- Service	Agency Foster Home/ Perpetrator	Children Involved/ Allegations	Date S.O. Received Investigative Report	Findings (& Victim if Evidenced)
8/20/02	-----	Harrison	[REDACTED]	All left in car w/ windows rolled up. Use of corporal punishment.	9/16/02	EVIDENCE -CN - all children. All removed.
8/8/02		Harrison	[REDACTED]	[REDACTED] Alleged: Physical abuse	9/25/02	No Evidence - both children
11/7/02	11/8/02	Stone	[REDACTED]	[REDACTED] Alleged: Physical Abuse	11/26/02	No Evidence
10/17/02	-----	Hancock	[REDACTED]	[REDACTED] Alleged: physical abuse and neglect	11/27/02	Evidence
11/5/02	-----	Lee I-E	[REDACTED]	[REDACTED] Alleged: Physical Abuse		

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14

DHS
053515

2002 —
 DHS - Agency Foster Home
 Allegations Handled

Date County Rec'd Report	Date/Type "Incident" Reported to S.O.	County/Region R- Responsible S- Service	Agency Foster Home/ Perpetrator	Children Involved/ Allegations	Date S.O. Received Investigative Report	Findings (& Victim if Evidence)
11/7/02	12/11/02	Stone	[REDACTED]	[REDACTED] Alleged: Physical Abuse	12/11/02	No Evidence
8/26/02	2/18/03	Jackson	[REDACTED]	[REDACTED] Alleged: Emotional Abuse and Neglect	2/18/03	No Evidence - alleged victim removed from home.

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 14

DHS
053516

**Calendar Year 2005
Out-of-Home
Facility Investigations**

All corrected
made

Date MDHS Received Report	Date Reported to State Office	County R- Responsible S-Service (if different)	Facility & Alleged Perpetrator	Child(ren) Involved DQB & Allegations	Date State Office Received Investigative Report	Findings
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053517

Calendar Year 2004
Out-of-Home
Facility Investigations

Date MDHS Received Report	Date Reported to State Office	County R-Responsible S-Service (if different)	Facility & Alleged Perpetrator	Child(ren) Involved DOB & Allegations	Date State Office Received Investigative Report	Findings
01/05/04	01/14/04	Pontotoc			01/14/04	No Evidence
01/06/04	01/06/04	Stone			01/15/04	Screened out referred to Law Enforcement
12/17/03	01/15/04	Pontotoc			04/30/04	CA-Evidenced CE-Evidenced
01/22/04	03/30/04	Pearl River			04/22/05	CE Evidenced CE-Evidenced
02/05/04	02/26/04	Chickasaw W			04/05/04	No Evidence
02/26/04 1/30/04	02/26/04	R-Pearl River S-Madison			04/05/04	No Evidence
03/01/04	03/01/04	Madison			04/05/04	No Evidence
03/08/04	04/05/04	R-Monroe S-Pontotoc			04/12/04	No Evidence
03/11/04	04/05/04	Pontotoc			04/23/04	No Evidence
03/23/04	04/12/04	R-Desoto S-Pontotoc				
04/08/04	04/08/04	George				
04/13/04	04/23/04	R-Winston S-Pontotoc				

Physical Abuse		01/14/04	No Evidence
Sexual Abuse		01/15/04	Screened out referred to Law Enforcement
Physical Abuse		04/30/04	CA-Evidenced CE-Evidenced
Physical & Emotional Abuse		04/22/05	CE Evidenced CE-Evidenced
Emotional & Physical Abuse		04/22/05	CE Evidenced CE-Evidenced
Sexual Abuse		04/05/04	No Evidence
Sexual Abuse		04/05/04	No Evidence
Sexual Abuse		04/05/04	No Evidence
Sexual Abuse		04/05/04	No Evidence
Physical Abuse		04/12/04	No Evidence
Physical Neglect		04/23/04	No Evidence
Physical Abuse			Screened out referred to Law Enforcement Health Dept
Physical Abuse			
Physical Abuse			

DHS
053518

Calendar Year 2004
Out-of-Home
Facility Investigations

Date MDHS Received Report	Date Reported to State Office	County R- Responsible S-Service (if different)	Facility & Alleged Perpetrator	Child(ren) Involved DOB & Allegations	Date State Office Received Investigative Report	Findings
04/23/04	05/14/04	S-Pontotoc			05/14/04	No Evidence
05/19/04	07/07/04	S-Pontotoc R-Union			07/20/04	No Evidence
06/08/04	07/07/04	Pontotoc			07/20/04	Printed from MACWIS
06/15/04	08/05/04	Warren			08/05/04	No Evidence
06/17/04	06/17/04	Alcorn			07/22/04	No evidence
06/22/04	06/24/04	Hinds Pearl River			08/05/04	No Evidence
09/21/04	10/15/04	R-Rankin S-Coahoma			10/15/04	CS-Evidenced

Physical Abuse		05/14/04	No Evidence
Physical Abuse		07/20/04	No Evidence
Physical Abuse		07/20/04	Printed from MACWIS
Physical Abuse		08/05/04	No Evidence
Physical Abuse		07/22/04	No evidence
Physical Abuse		08/05/04	No Evidence
Physical Abuse		08/05/04	No Evidence
Sexual Abuse		10/15/04	CS-Evidenced
Sexual Abuse			

CALENDAR YEAR 2003
OUT OF HOME
FACILITY INVESTIGATIONS

Date County Rec'd Report	Date Incident Reported to S. O.	County/ Region R- Responsible S-Service	Facility / Alleged Perp	Children Involved & Allegations	Date S.O. Received Investigative Report	Findings (& Victim, if Evidenced)	Screened Out
	1/8/03		[REDACTED]				
	1/16/03		[REDACTED]	Alleged: Sexual misconduct	2/6/03	No Evidence	
	1/23/03		[REDACTED]	Alleged: Physical Abuse	2/7/03	No Evidence	
	2/21/03		[REDACTED]	Alleged: Physical Abuse			
				No Victim Identified Alleged: Neglect/Abuse		Did not see in Victim's	

Date County Rec'd Report	Date Incident Reported to S. O.	County/Region R-Responsible S-Service	Facility / Alleged Perp	Children Involved & Allegations	Date S.O. Received Investigative Report	Findings (& Victim, if Evidenced)
?	3/11/03	HINDS	[REDACTED]	[REDACTED] Alleged: Victim said on 3/7/03, [REDACTED] grabbed her butt. Also, said on 3/9/03, he rubbed a banana across her breast.	[REDACTED]	[REDACTED]
3/25/03	4/1/03 CS	FORREST Reporter: SMCC staff via letter to Licensure Unit	[REDACTED]	[REDACTED] Pearl River child	9/19/03	CS: Evidenced [REDACTED] Victim: [REDACTED]
7/5/29/03	5/30/03	HOLMES Reporter: [REDACTED]	[REDACTED]	[REDACTED] Alleged: Baby taken to Dr. 5/29/03 w/fracture leg. Dr feels it was an unfortunate accident. Baby was born premature, blind, lung disorder which requires oxygen. Oxygen cord wrapped around baby's leg. There is another medically fragile 2 yr old in this home.	11/24/03	Printed from MACWIS No Evidence
6/4/03	6/26/03	PEARL RIVER	[REDACTED]	[REDACTED] Victim said hit him in the mouth. Victim had a busted lip.	6/26/03	Finding: Evidence - CA

Date County Rec'd Report	Date Incident Reported to S. O.	County/Region R-Responsible S-Service	Facility / Alleged Perp	Children Involved & Allegations	Date S.O. Received Investigative Report	Fundings (& Victim, if Evidenced)
6/25/03	6/25/03	HINNS	[REDACTED]	[REDACTED] Witnesses said [REDACTED] was sitting on [REDACTED] lap on the bus and was fingering her. They admit they have engaged in sex. [REDACTED] is in custody of Lauderdale and [REDACTED] in custody of Madison Co.	[REDACTED] Did not see [REDACTED] KRCW 11	Screened Out
6/17/03	6/25/03	JONES	[REDACTED]	[REDACTED] Numerous concerns reported: (1) Arranges visits with sponsors away from home. (2) Clothing out of season; don't fit. (3) Shoes so tight caused blisters on feet. (4) Medication not dispensed properly; medical attn. not sought	[REDACTED] Did not see [REDACTED] MACW15	[REDACTED]
?	7/28/03	HINNS	[REDACTED]	[REDACTED] Alleged: [REDACTED] shocked [REDACTED] grabbed him by the throat and hit him in the chest. Happened Fri. or Sat.	[REDACTED] Did not see [REDACTED] MACW15	[REDACTED]

Date County Rec'd Report	Date Incident Reported to S. O.	County/ Region R- Responsible S -Service	Facility / Alleged Perp	Children Involved & Allegations	Date S.O. Received Investigative Report	Findings (& Victim, if Evidenced)
5/2/03		PONTOTOC	[REDACTED]	[REDACTED] Alleged: CE / CN	6/6/03 Rec'd only the RD's letter to the facility	No Evidence of either allegation
?	Unable to pull up report in MACWIS	PONTOTOC	[REDACTED]	[REDACTED] Alleged: CA Can't pull up report in MACWIS	6/18/03 Rec'd only the RD's letter to the facility	No Evidence
?		PONTOTOC	[REDACTED]	[REDACTED] Alleged: Unknown Can't pull up report in MACWIS	7/7/03 Rec'd only the RD's letter to the facility	No Evidence
7/21/03		W . Chickasaw	[REDACTED]	[REDACTED] Alleged: CE/CA -	8/12/03 Rec'd only the RD's letter to the facility	No Evidence
5/16/03		JONES	[REDACTED]	[REDACTED] Alleged: Physical & Sexual Abuse	8/18/03	No Evidence of either allegation

DHS
053523

Yr: 2002 CPS OUT-OF-HOME INVESTIGATIONS
FACILITIES

Date County Rec'd Report	Date/Type "Incident" Reported to S.O.	County/Region	Facility/Perp	Children Involved / Allegations	Date S.O. Received Investigative Report	Findings (& Victim if Evidence)
1/28/02 CN	Desoto 1W			(alleged: not taken to doctor)	1/19/03	No evidence
1/30/02 CN	Hinds 7			(alleged: lack of supervision)		
1-24-03	1/24/02 CA	Hinds 7		(alleged: teachers threw him down - has bruises on arms, upper back & chest)	Printed from MacWiz 03/11/24/03	No evidence
2/4/02 CS / CN	E. Chickasaw 1E			(alleged: perp admitted he put his penis in [redacted] mouth)		
3/5/02	Simpson 6			(Alleged: sexual abuse by [redacted] resident)	3/13/02	No Evidence. However, staff violated [redacted] "bathroom policy" re: supervision

Date County Rec'd Report	Date/Type "Incident" Reported to S.O.	County/Region	Facility/Perp	Children Involved / Allegations	Date S.O. Received Investigative Report	Findings (& Victim if Evidenced)
5/6/02	5/8/02	Lee	[REDACTED]	[REDACTED] Allegation: Sexual intercourse with [REDACTED] about 20 times at [REDACTED] home, and once at [REDACTED] over the last 6 months.	5/21/02 MACDHS screen prints rec'd	EVIDENCED - CS [REDACTED] - victim
			[REDACTED]	[REDACTED] Alleged: Physical Abuse - [REDACTED] employee hit [REDACTED] in right eye, that caused bruising.	5/21/02	EVIDENCED - CA Victim: [REDACTED]
	5/7/02	Simpson Reg. 5	[REDACTED]	[REDACTED] Alleged: Physical Abuse. Dr. shoved a door into [REDACTED] head.	5/21/02	NO EVIDENCE
4/1/02		Natchez Reg 5	[REDACTED]	[REDACTED] not an MDHS facility.	5/13/02	n/a
not stated		Webster Reg. I E	[REDACTED]	[REDACTED] Alleged: two residents witnessed [REDACTED] touching [REDACTED] private part as he lay naked on her bed. He was screaming "I want my mommy"		
not stated	5/22/02	Rankin Reg 3 [REDACTED] Reporter	[REDACTED]			

Date County Rec'd Report	Date/Type "Incident" Reported to S.O.	County/Region	Facility/Perp	Children Involved / Allegations	Date S.O. Received Investigative Report	Findings (& Victim if Evidence)
5/9/02	5/10/02	Hancock 6 S		Perp coerced two sixteen-year old girls (not in DHS' custody) to have sex with him. The staff member was transporting [REDACTED] a foster child to visit family to MS.		Protection Unit director suggested report be filed with law enforcement as an Out of Home and Licensure
?	6/27/02	Jackson 6 S	[REDACTED] (Called Gall Young)	Children had been hit with pipes; put on restriction for 3 weeks & allowed to come out only for meals. [REDACTED] (ASWNS-Jackson Co) wife is director of Bacot [REDACTED] has been making DHS supervisory visits with the children.		
7/24/02	7/23/02	Pearl River	to Hotline		9-19-03	Evidence
7/15/02	9/27/02	Benton/ Marshall Co I-W	[REDACTED] 9/27/02 SAME	Alleged: Lack of Supervision; Neglect	9/27/02	Evidence
9/11/02				Similar allegations		Same Evidence
9/23/02	10/30/02	Covington 6N		Alleged: Houseparent physically assaulted [REDACTED] on two occasions.	10/30/02	No Evidence

DBS
053528

053529
1048

Page 1

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
3 JACKSON DIVISION

4
5 OLIVIA Y., et al. PLAINTIFFS,
6
7 VS. CIVIL ACTION NO. 3:04CV251LN
8
9 HALEY BARBOUR, et al. DEFENDANTS.
10
11

12 30(b) (6) DEPOSITION OF GAIL YOUNG
13
14 Taken at the offices of Bradley, Arant, Rose & White, LLP,
15 on May 16, 2005, beginning at 1:34 P.M.
16
17
18 REPORTED BY:
19
20 REBECCA A. KIDDER
21 State Wide Reporters
22 4400 Old Canton Road, Suite 201 (39211)
23 Post Office Box 14113
24 Jackson, Mississippi 39236
25 Telephone: (601) 366-9676
26 Fax: (601) 366-9756

<p>1 APPEARANCES:</p> <p>2 ERIC E. THOMPSON, ESQUIRE</p> <p>3 TARA S. CREAN, ESQUIRE</p> <p>4 Children's Rights</p> <p>5 404 Park Avenue South</p> <p>6 New York, New York 10016</p> <p>7 Telephone: 212.683.2210</p> <p>8 Fax: 212.683.4015</p> <p>9 ATTORNEYS FOR PLAINTIFFS</p> <p>10 BETTY A. MALLETT, ESQUIRE</p> <p>11 McGlinchey Stafford, PLLC</p> <p>12 Skytel Centre South, Suite 1100</p> <p>13 200 South Lamar Street</p> <p>14 Jackson, Mississippi 39201</p> <p>15 Telephone: 601.960.8424</p> <p>16 Fax: 601.960.8431</p> <p>17 ATTORNEY FOR DEFENDANTS</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>Page 2</p> <p>1 STIPULATION</p> <p>2 It is hereby stipulated and agreed by and between the</p> <p>3 parties hereto, through their respective attorneys of record,</p> <p>4 that this deposition may be taken at the time and place</p> <p>5 hereinbefore set forth, by Rebecca A. Kidder, Court Reporter and</p> <p>6 Notary Public, pursuant to the Mississippi Rules of Civil</p> <p>7 Procedure, as amended;</p> <p>8 That the formality of READING AND SIGNING is</p> <p>9 specifically NOT WAIVED;</p> <p>10 That all objections, except as to the form of the</p> <p>11 questions and the responsiveness of the answers, are reserved</p> <p>12 until such time as this deposition, or any part thereof, may be</p> <p>13 used or is sought to be used in evidence.</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	Page 4
<p>1 T-A-B-L-E O-F C-O-N-T-E-N-T-S</p> <p>2 Examination By: Page</p> <p>3 MR. THOMPSON 5</p> <p>4 Exhibits:</p> <p>5 54: Placement log 8</p> <p>6 55: Quality improvement report on in-home cases 58</p> <p>7 Stipulation 4</p> <p>8 Certificate of Court Reporter 72</p> <p>9 Witness Signature Sheet 73</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>Page 3</p> <p>1 GAIL YOUNG</p> <p>2 having been first duly sworn, was</p> <p>3 examined and testified as follows:</p> <p>4</p> <p>5 EXAMINATION</p> <p>6 MR. THOMPSON:</p> <p>7 Q. Good afternoon, Ms. Young. As you know my name</p> <p>8 is Eric Thompson. I'm here with Ms. Tara Crean. We both</p> <p>9 represent plaintiffs in the matter of Olivia Y. v Barbour. Do</p> <p>10 you understand that you're here today to give sworn testimony in</p> <p>11 that matter?</p> <p>12 THE WITNESS:</p> <p>13 A. Yes.</p> <p>14 Q. What is your current position with DHS?</p> <p>15 A. I'm a Division Director II.</p> <p>16 Q. I'm showing you what's been previously marked as</p> <p>17 Exhibit 33 at page four and subsequently. Do you see Exhibit A</p> <p>18 there?</p> <p>19 A. Yes.</p> <p>20 Q. Have you reviewed this notice of deposition and</p> <p>21 the subject matters enclosed in Exhibit A?</p> <p>22 MS. MALLETT:</p> <p>23 I think you gave her the wrong one.</p> <p>24 MR. THOMPSON:</p> <p>25 Q. I'm sorry. Let me show you what's been</p> <p>STATE-WIDE REPORTERS (228) 432-0770</p>	Page 5

2 (Pages 2 to 5)

<p>1 file?</p> <p>2 A. Yes.</p> <p>3 Q. You mentioned that some of the adoption staff are</p> <p>4 located outside of the state office. Does that include the</p> <p>5 licensing specialists?</p> <p>6 A. Yes.</p> <p>7 Q. As a result, do the licensing specialists</p> <p>8 maintain any foster care resource files outside of the state</p> <p>9 office placement unit?</p> <p>10 A. They do maintain duplicates of the foster homes</p> <p>11 but not of the child placing agencies and the licensed child</p> <p>12 care facilities and those licensing specialists are located in</p> <p>13 the state office for the group facilities.</p> <p>14 Q. And as to the foster homes, when you say they</p> <p>15 maintain duplicates does that mean that there is, at the state</p> <p>16 office, a complete paper file maintained on all those resources?</p> <p>17 A. Actually the state file is the duplicate. The</p> <p>18 state file may not contain all of the information that the local</p> <p>19 level has.</p> <p>20 Q. How many licensing specialists are there</p> <p>21 currently?</p> <p>22 A. Around 12, I believe.</p> <p>23 Q. And they're assigned statewide?</p> <p>24 A. Yes.</p> <p>25 Q. Are they located principally at regional offices</p>	<p>Page 30</p> <p>1 county.</p> <p>2 Q. Are there currently any counties that don't have</p> <p>3 a licensing specialist assigned?</p> <p>4 A. Right now with the foster adopt, it's kind of the</p> <p>5 adoption specialist and licensing specialist.</p> <p>6 Q. You said you have approximately 12 licensing</p> <p>7 specialists throughout the state; is that correct?</p> <p>8 A. That's correct.</p> <p>9 Q. How many foster adopt personnel do you have?</p> <p>10 A. Probably about 15 in the adoption plus the 12</p> <p>11 licensing and prior to that those duties were covered by county</p> <p>12 social workers in some cases.</p> <p>13 Q. Currently though, does each county have either a</p> <p>14 licensing specialist or one of these foster adopt personnel</p> <p>15 assigned to it to license foster homes?</p> <p>16 A. They would be assigned through the adoption</p> <p>17 administration; yes.</p> <p>18 Q. To your knowledge, each county has someone</p> <p>19 assigned to it for licensing besides a case worker?</p> <p>20 A. Yes.</p> <p>21 MR. THOMPSON:</p> <p>22 Why don't we take a break here?</p> <p>23 (WHEREUPON A SHORT RECESS WAS TAKEN.)</p> <p>24</p> <p>25 MR. THOMPSON:</p> <p>STATE-WIDE REPORTERS (228) 432-0770</p>
<p>1 or also at the county offices?</p> <p>2 A. Probably more so in the county offices. There</p> <p>3 could be a few at the regional offices.</p> <p>4 Q. Does each licensing specialist maintain their own</p> <p>5 set of files as to the resources that they're responsible for</p> <p>6 monitoring?</p> <p>7 A. Yes.</p> <p>8 Q. Is there a process for the information from those</p> <p>9 files being incorporated into the files that were kept at the</p> <p>10 placement unit at the state office?</p> <p>11 A. There is certain information that's required to</p> <p>12 be sent to the state office.</p> <p>13 Q. Is it the placement unit staff in the state</p> <p>14 office that enters into MACWIS information on the placement</p> <p>15 resources?</p> <p>16 A. For the residential it is; for the residential</p> <p>17 childcare facilities and child placing agencies. The state</p> <p>18 office staff enters in that information.</p> <p>19 Q. And then for the foster homes is it the licensing</p> <p>20 specialists that are assigned throughout the state to enter that</p> <p>21 information?</p> <p>22 A. Yes.</p> <p>23 Q. Are there some counties or regions that don't</p> <p>24 have a licensing specialist assigned?</p> <p>25 A. The specialists can be assigned more than one</p>	<p>Page 31</p> <p>Page 33</p> <p>1 Q. Are the foster home files that are</p> <p>2 maintained by the licensing specialists limited to those foster</p> <p>3 homes licensed by DHS?</p> <p>4 THE WITNESS:</p> <p>5 A. Yes.</p> <p>6 Q. So do they keep any files on child specific</p> <p>7 foster homes approved by the youth court?</p> <p>8 A. They would all be maintained in the same</p> <p>9 locations as their licensed foster home.</p> <p>10 Q. Let me show you what's been previously marked</p> <p>11 Exhibit 51. Do you recognize this to be a MACWIS report on</p> <p>12 children in placement by placement type?</p> <p>13 A. Yes.</p> <p>14 Q. Under the column labeled 'child specific relative</p> <p>15 home,' are these homes that would have files maintained by the</p> <p>16 licensing specialist?</p> <p>17 MS. MALLETT:</p> <p>18 I'm going to object. She was to testify to paper</p> <p>19 files.</p> <p>20 THE WITNESS:</p> <p>21 A. The foster homes would be maintained by the</p> <p>22 licensing specialist, and the child specific relative homes</p> <p>23 would be maintained in the child's county file by the social</p> <p>24 worker.</p> <p>25 MR. THOMPSON:</p> <p>STATE-WIDE REPORTERS (228) 432-0770</p>

<p style="text-align: right;">Page 38</p> <p>1 Q. Besides looking up the files for the 2 children placed in any given foster home, is there any other way 3 that face-to-face contacts with the foster care provider may 4 have occurred that may have been completed by a case worker and 5 would be documented in the foster home file?</p> <p>6 A. Usually not.</p> <p>7 Q. Are you aware of any tracking by your staff of 8 whether or not foster care providers are receiving monthly face- 9 to-face contacts as required?</p> <p>10 A. We do not track that.</p> <p>11 Q. As to group homes and other facilities licensed 12 by DHS, how often do those licenses need to be renewed?</p> <p>13 A. Annually.</p> <p>14 Q. Does that re-evaluation process include a psych 15 visit?</p> <p>16 A. Yes. It does.</p> <p>17 Q. That psych visit would be completed by the 18 licensing staff?</p> <p>19 A. Yes; not the licensing specialists that are out 20 there in the county offices. There are two program specialists 21 in the state office that do that.</p> <p>22 Q. Those are the staff specifically responsible for 23 the residential facilities?</p> <p>24 A. That's correct.</p> <p>25 Q. Besides the annual re-licensing visit, are there STATE-WIDE REPORTERS (228) 432-0770</p>	<p style="text-align: right;">Page 40</p> <p>1 A. I believe there is a procedure for that.</p> <p>2 Q. Do you know what that procedure is?</p> <p>3 A. It's a phone call usually. Usually, it's 4 reported to the regional director and the regional director is 5 the one that notifies and assigns the person who's going to 6 investigate.</p> <p>7 Q. Would one of the responsibilities of the regional 8 director be to forward the information to the placement unit?</p> <p>9 A. That's right.</p> <p>10 Q. Would that information be filed with the provider 11 in the provider's case file?</p> <p>12 A. It may or may not.</p> <p>13 Q. Is there any reason why it wouldn't be filed 14 there?</p> <p>15 A. Primarily it's maintained in MACWIS now.</p> <p>16 Q. Is all the information that's in the paper case 17 files also maintained in MACWIS?</p> <p>18 A. Not all of them. Are you talking just about 19 investigations?</p> <p>20 Q. No. I'm referring to all the information in the 21 paper provider files? Is that now information that's also 22 maintained in MACWIS?</p> <p>23 A. Not necessarily. You may have documents entered 24 in electronically, but the actual documents would be in the 25 paper files.</p> <p style="text-align: right;">STATE-WIDE REPORTERS (228) 432-0770</p>
<p style="text-align: right;">Page 39</p> <p>1 any other requirements for psych visits of DHS licensed 2 facilities?</p> <p>3 A. There are no requirements. They do make other 4 visits if there are changes or somebody reports they're changing 5 or they might want to change their structure or their number or 6 something like that.</p> <p>7 Q. Might they also make additional visits if there 8 had been a report of an allegation of abuse and neglect in a 9 facility?</p> <p>10 A. They do not investigate allegations, but they do 11 follow-up if the investigator recommends or has findings and 12 there might be something they may need to follow-up.</p> <p>13 Q. Would all their psych visits be documented in the 14 facility's paper files maintained by the placement unit?</p> <p>15 A. Yes.</p> <p>16 Q. On the issue of reports of maltreatment and care, 17 the placement unit staff are not responsible for investigating 18 those reports; Is that correct?</p> <p>19 A. That's correct.</p> <p>20 Q. Would they receive any written information as to 21 those reports?</p> <p>22 A. The reports are primarily in MACWIS now.</p> <p>23 Q. Is there any process for the licensing 24 specialists to be notified when a report has been made regarding 25 an allegation of abuse and neglect in a foster home?</p> <p style="text-align: right;">STATE-WIDE REPORTERS (228) 432-0770</p>	<p style="text-align: right;">Page 41</p> <p>1 Q. As director of the placement unit which 2 would you consider the authoritative source for information as 3 to the license providers? Is it the paper case provider files 4 or is it MACWIS?</p> <p>5 A. It has to be a combination of both.</p> <p>6 Q. Is there some information in MACWIS that's 7 actually not in the paper provider files?</p> <p>8 A. Yes.</p> <p>9 Q. What types of information?</p> <p>10 A. You're talking about just the resource files now; 11 not child's files?</p> <p>12 Q. Correct; the provider's files.</p> <p>13 A. Basically, with the foster homes, there may be 14 some training exercises and materials, certificates of training, 15 those dates would be documented in MACWIS, but the actual 16 certificates and exercises that they completed, there might be 17 actual letters of references that might be in the paper file, 18 they would be documented in MACWIS, but the actual letter itself 19 would not be in there.</p> <p>20 Q. You mentioned that some of these maltreatment 21 reports as to foster care providers might actually be entered in 22 MACWIS and not make it into the paper case file, into the 23 provider's file?</p> <p>24 A. It's my understanding that could happen because 25 basically everything that's documented is in MACWIS.</p> <p style="text-align: right;">STATE-WIDE REPORTERS (228) 432-0770</p>